

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JESSE GULLEY,)	CASE NO. 5:22-CV-2217
)	
Petitioner,)	SENIOR JUDGE
)	CHRISTOPHER A. BOYKO
vs.)	
)	
WARDEN JENNIFER GILLECE)	OPINION AND ORDER
BLACK)	
)	
Defendant.)	

CHRISTOPHER A. BOYKO, SR. J.:

Pro se Petitioner Jesse Gulley has filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 1). Gulley challenges his 2006 criminal conviction in the Stark County Court of Common Pleas, case number 2005CR0745 (“Criminal Case”).

In 2009, Gulley filed a § 2254 petition in this Court, in which he challenged his conviction in the Criminal Case. The Court denied the petition and dismissed the action. See *Gulley v. Hall*, No. 5:09cv441, 2010 U.S. Dist. LEXIS 35007 (N.D. Ohio Apr. 9, 2010).

Title 28 U.S.C. § 2244(b)(3)(A) provides that before a second or successive habeas corpus application under § 2254 is filed in district court, the applicant must move in the appropriate court of appeals for an order authorizing the district court to consider the application. *Keith v. Bobby*, 618 F.3d 594, 599-600 (6th Cir. 2010). When a second or successive § 2254 petition is filed in the Northern District of Ohio without authorization by the Sixth Circuit Court of Appeals, the district court must transfer the petition to the Sixth Circuit. See *In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997).

This § 2254 petition is the second or successive petition filed by Gulley in which he challenges his 2006 conviction in the Criminal Case. Accordingly, pursuant to 28 U.S.C. § 1631 and *In re Sims*, 111 F.3d 45 (1997), this action is hereby transferred to the United States Court of Appeals for the Sixth Circuit for further proceedings.

IT IS SO ORDERED.

/s Christopher A. Boyko
CHRISTOPHER A. BOYKO
Senior United States District Judge

Dated: February 28, 2023